

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION**

DEBORAH OAKLEY,)	
)	
Plaintiff,)	
)	
vs.)	No.:
)	
RED BANK OPERATIONS, LLC.,)	
)	
Defendant.)	

COMPLAINT

Pursuant to Section 216(b) of the Fair Labor Standards Act (FLSA), Plaintiff files this lawsuit against Defendant and alleges the following:

1. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. Section 1331.

2. Defendant is a Tennessee limited liability company with its principal address at 3570 Keith Street NW, Cleveland, Tennessee, 37312. Its registered agent for service of process is Forrest L. Preston, 3570 Keith Street NW, Cleveland, Tennessee, 37312.

3. Defendant owns and operates a nursing home facility called Life Care Center of Red Bank, which is located at 1020 Runyan Drive, Chattanooga, Tennessee, 37405.

4. Plaintiff was employed by Defendant at its nursing home facility in Chattanooga from approximately June of 2018 through May of 2019.

5. Plaintiff was employed by Defendant as a cook. Her duties included cooking/preparing meals and serving them to the residents and staff at Defendant's facility. She also performed cleaning and other duties related to food preparation.

6. Defendant paid Plaintiff an hourly rate for her work, and Plaintiff clocked in and

out on a time recording device.

7. Plaintiff routinely performed uncompensated work "off the clock" before clocking in to begin her compensated work shift.

8. Plaintiff also routinely performed uncompensated work off the clock after clocking out at the end of her compensated work shift.

9. Plaintiff also routinely performed uncompensated work off the clock during her lunch breaks.

10. Plaintiff's uncompensated off-the-clock work amounts to a very substantial number of hours each week.

11. Plaintiff's direct supervisor and other management employees at Defendant's facility were well aware of the uncompensated work Plaintiff performed off the clock.

12. Plaintiff routinely worked well over 40 hours per workweek. Accordingly, Plaintiff routinely worked uncompensated overtime hours off the clock each week for which she was not paid overtime pay at a rate of one and one-half times her regular rate of pay.

13. Defendant was an "employer" of Plaintiff as defined by Section 203(d) of the FLSA.

14. Plaintiff was an "employee" of Defendant as defined by Section 203(e)(1) of the FLSA.

15. Defendant was an enterprise engaged in commerce or in the production of goods for commerce as defined by Section 203(s)(1) of the FLSA. Defendant had annual gross volume of sales which exceed \$500,000.00.

16. The minimum wage and overtime provisions of the FLSA set forth in Sections 206 and 207, respectively, applied to Defendant.

17. Pursuant to Section 207(a)(1) of the FLSA, Defendant was required to pay

Plaintiff overtime pay at a rate of one and one-half times her regular rate of pay for all hours worked over 40 during a workweek.

18. Defendant's failure to pay Plaintiff overtime wages of one and one-half times her regular rate of pay for all overtime hours worked is a violation of Section 207(a)(1) of the FLSA.

19. Pursuant to Section 216(b) of the FLSA, Defendant is liable to Plaintiff for overtime back pay.

20. In addition to the amount of unpaid overtime wages owing to Plaintiff, Plaintiff is also entitled to recover an equal amount of liquidated damages pursuant to 29 U.S.C. § 216(b).

21. Plaintiff is entitled to an award of attorney's fees and costs pursuant to 29 U.S.C. § 216(b).

Prayer for Relief

WHEREFORE, Plaintiff prays for a judgment against Defendant for damages that include the following:

- (a) overtime back pay;
- (b) liquidated damages in an amount equal to her overtime back pay;
- (c) interest;
- (d) reasonable attorney's fees and costs; and
- (e) all other general legal and equitable relief to which she may be entitled.

Respectfully submitted,

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